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8 **BEFORE THE**
STATE BOARD OF OPTOMETRY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. CC 2012 8

12 **DANH LE TRAN**
13 **125 East Gonzalez Road**
14 **Oxnard, CA 93036**

A C C U S A T I O N

15 **Optometrist License No. OPT 13824**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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22 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity as
23 the Executive Officer of the State Board of Optometry (Board), Department of Consumer Affairs.

24 2. On or about July 28, 2009, the State Board of Optometry issued Optometrist License
25 Number OPT 13824 to Danh Le Tran (Respondent). The Optometrist License was in full force
26 and effect at all times relevant to the charges brought herein and will expire on January 31, 2014,
27 unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3090 of the Code states:

"Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter or any of the regulations adopted by the board. The board shall enforce and administer this article as to licenseholders, and the board shall have all the powers granted in this chapter for these purposes, including, but not limited to, investigating complaints from the public, other licensees, health care facilities, other licensing agencies, or any other source suggesting that an optometrist may be guilty of violating this chapter or any of the regulations adopted by the board."

5. Section 726 of the Code states:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

COST RECOVERY PROVISION

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 (Sexual Abuse/Misconduct)

3 7. Respondent is subject to disciplinary action under Code sections 3090 and 726 on the
4 grounds of unprofessional conduct, in that Respondent committed sexual abuse or sexual
5 misconduct upon four patients. The circumstances are as follows:

6 8. Between April 1, 2012 to April 30, 2012, while employed as an optometrist at the
7 Optometry Department of the Target Store in Palmdale, Respondent willfully and unlawfully
8 touched an intimate part of Patient S.M. against her will while conducting an eye examination.

9 9. On or about February 29, 2012, while employed as an optometrist at the Optometry
10 Department of the Target Store in Palmdale, Respondent willfully and unlawfully touched an
11 intimate part of Patient J.B. against her will while conducting an eye examination.

12 10. On or about February 14, 2012, while employed as an optometrist at the Optometry
13 Department of the Target Store in Palmdale, Respondent willfully and unlawfully touched an
14 intimate part of Patient R.R. against her will while conducting an eye examination.

15 11. Between February 1, 2012 to February 29, 2012, while employed as an optometrist at
16 the Optometry Department of the Target Store in Palmdale, Respondent willfully and unlawfully
17 touched an intimate part of Patient C.W. against her will while conducting an eye examination.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the State Board of Optometry issue a decision:

21 1. Revoking or suspending Optometrist License Number OPT 13824, issued to Danh Le
22 Tran;

23 2. Ordering Danh Le Tran to pay the State Board of Optometry the reasonable costs of
24 the investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 2, 2013


MONA MAGGIO
Executive Officer
State Board of Optometry
Department of Consumer Affairs
State of California
Complainant

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